

REMARKS

Summary of the Office Action

Claims 20, 22 and 27 have been rejected under 35 U.S.C. § 112, first paragraph.

Claims 16-18, 22-25, 29-32, 37-39, 41, and 42 have been rejected under 35 U.S.C. § 103(a) in view of U.S. Pat. No. 5,778,879 (the "'879 patent") or JP 08215162 and U.S. Pat. No. 5,895,359 (the "'359 patent").

Claims 21 and 28 have been rejected under 35 U.S.C. § 103(a) in view of the '879 patent, the '359 patent and the Odagigi patent.

Claims 19, 26, 33-36 and 40 have been objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Summary of the Response to the Office Action

Claims 16-18, 20-25, 27-32, 37-39, 41 and 42 are cancelled without prejudice or disclaimer.

Claims 19, 26, 33, 36 and 40 are amended to be in independent claim format.

New claims 43-49 are added.

A Request for Interference with US patent 6,547,741 under 37 C.F.R. § 1.607 is also requested.

Claims 19, 26, 33-36, 40 and 43-49 remain pending for consideration.

The Pending Rejections Under 35 U.S.C. §§ 112 and 103(a)

Claims 16-18, 20-25, 27-32, 37-39, 41 and 42 have been rejected under 35 U.S.C. § 112 and/or § 103(a). These claims have been cancelled without prejudice or disclaimer. These rejections of the indicated claims are therefore moot. However, it is to be noted that the Applicants do not acquiesce in the rejections of these claims. Rather, these claims have been cancelled to simplify the issues herein. The Applicants may decide to pursue the cancelled claims in a separate continuation application.

Allowable Claims 19, 26, 33-36 and 40

The Office Action indicates that claims 19, 26, 33-36 and 40 are objected to only as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicants have amended claims 19, 26, 33, 36 and 40 so that they are presented in independent claim format. Claims 34 and 35 have been left as previously presented as these claims depend from claim 33. Applicants respectfully request withdrawal of the objections to claims 19, 26, 33-36 and 40 and allowance of these claims.

Request for Interference Under 37 C.F.R. § 1.607

Applicants request that an interference be declared with U.S. Pat. No. 6,547,741 ('741 patent), issued April 15, 2003, *i.e.*, less than a year prior to the filing of this request. A copy of the '741 patent is attached to the accompanying Information Disclosure Statement. The 102(e) date of the '741 patent appears to be January 13, 1999 while the U.S. filing date of the present application is December 24, 1998, which corresponds to the international filing date of PCT/EP98/08429. Accordingly, the Applicants should be the senior party in the requested interference. It is further noted that the Applicants are entitled to a German priority date of December 24, 1997, which is before any date available on the record to the patentee.

New claims 43-49 are copies of claims 1-7, respectively, of the '741 patent. These claims are supported by the Applicants' specification as shown in the chart attached hereto. The chart is not intended to be all inclusive as to the Applicants' support for the claims but illustrative thereof.

Pursuant to 37 C.F.R. § 1.607, Applicants suggest that claim 1 of the '741 patent (Applicants' claim 43) should be designated as the count for the requested interference. Claims 1-8 of the '741 patent and Applicants' claims 43-49 should be designated as corresponding to the count. The Applicants' other claims, *i.e.*, claims 19, 26, 33-36 and

40 should be designated as not corresponding to the count.

While Applicants have copied patent claims 2-7 as they appear in the patent, it is noted that there seems to be an error in the preamble of claims 2-7 in that these claims refer to "The wrist sphygmomanometer claim 1" whereas claim 1 calls for "A method of measuring blood pressure." The Applicants have used the language of patent claims 2-7 in presenting their claims 44-49. Claims 44-49 can be amended to more properly refer to the method of claims 43- 24 if the Examiner prefers.

CONCLUSION

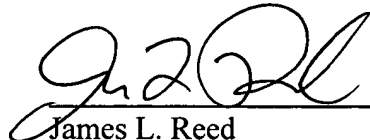
Applicants' respectfully request allowance of claims 19, 26, 33-36 and 40 and a declaration of interference between Applicants' claims 43-49 and claims 1-8 of U.S. Pat. No. 6,547,741.

Favorable action is requested.

If there are any other fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 50-0310.

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP



James L. Reed

Registration No. 43,877

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MORGAN, LEWIS & BOCKIUS LLP

1111 Pennsylvania Avenue, N.W.

Washington, D.C. 20004

Telephone: (202) 739-3000

Facsimile: (202) 739-3001

Customer No. 009629

CHART SHOWING SUPPORT FOR NEW CLAIMS 43-49

New Claims 43-49	Examples from the Specification
43. A method of measuring blood pressure using a wrist sphygmomanometer including a body	P 1, lines 1-2: "This invention relates to a method of determining the blood pressure ..." P. 8, lines 21-23: "The blood pressure measuring device illustrated in FIG. 1 is constructed to measure the blood pressure on a person's wrist."
and including a cuff attached to the body and wrapped around the wrist,	P. 8, lines 23-26: "As application unit it comprises a cuff 1 enabling a pressure sensor to be applied to the inside of the left-hand wrist joint for signal pick-up. The cuff has a bladder inflatable with air . . ."
said body being attached to the cuff in a manner to allow the body to be located on a thumb side of an arm when the wrist sphygmomanometer is fitted on the wrist, comprising:	P. 8, lines 23-25: "enabling a pressure sensor to be applied to the inside of the left-hand wrist joint for signal pick-up." P.11, lines 27-33: "In particular provision may be made for the display device to be arranged on the upper narrow side of the cuff 1, that is, in the area which, with the cuff applied, is located on the upper narrow side of the joint approximately in extension of the thumb."
fitting said wrist sphygmomanometer on the wrist;	P. 11, lines 14-16: "As soon as the blood pressure measuring device is applied to the user's left-hand wrist using a cuff 1,
placing the wrist with said wrist sphygmomanometer fitted thereon on a chest of a subject; and	P. 11, lines 16-19: "the user intending to measure his blood pressure brings his arms into position substantially folded over the upper part of his body, and his body in an essentially erect position (see FIG. 1)."
reading a value detected by said wrist sphygmomanometer with the wrist placed on the chest.	P. 11, lines 23-27 : "To ensure a correct position for measurement, the blood pressure measuring device comprises a display device which is preferably arranged such as to be readable by the user only when the proper position is adopted;" and FIG. 1.
44. The wrist sphygmomanometer of claim 43, further comprising a positioning system which determines whether the sphygmomanometer is at an appropriate measuring level.	P. 4, lines 5-10: "With a predetermined alignment of the human body, in particular an upright position of the upper part of the body, the sensing unit is capable of detecting the absolute orientation of the limb in the space, <u>thereby enabling the position of the limb relative to the</u>

New Claims 43-49	Examples from the Specification
	<p><u>heart to be determined.</u>”</p> <p>P. 6, lines 22-25: “If the likelihood of an insufficiently accurate result is great, the measurement may then be prevented from taking place, or at least an indication of the low informative value of the measurement may be provided on a display device.”</p> <p>P. 12, lines 24-32, p. 13, line 1: “In a further embodiment, the information on the display is used for prompting the user to adopt the optimal measurement position at the start of and/or during the pressure measurement cycle. For example, the display produces an arrow pointing in upward and downward direction, with either only the up or the down arrow being indicated or flashing when the user is required to move his wrist, with the blood pressure measuring device attached thereto, in upward and downward direction to reach the proper position for measurement.”</p>
<p>45. The wrist sphygmomanometer of claim 44, wherein the positioning system indicates that the sphygmomanometer is at an appropriate measuring level by providing an acoustic signal.</p>	<p>P. 13, lines 3-6: “... or, alternatively, an audible warning signal produced in the presence of a poor measurement position may also be contemplated as an alternative.”</p>
<p>46. The wrist sphygmomanometer of claim 44, further comprising a display that includes arrows which guide a user to the appropriate measuring level.</p>	<p>P. 12, lines 28-33, p. 13, line 1: “For example, the display produces an arrow pointing in upward and downward direction, with either only the up or the down arrow being indicated or flashing when the user is required to move his wrist, with the blood pressure measuring device attached thereto, in upward or downward direction to reach the proper position for measurement.”</p>
<p>47. The wrist sphygmomanometer of claim 46, wherein the display indicates that the user has reached the appropriate measuring level by displaying a visual symbol.</p>	<p>P. 12, lines 28-33, p. 13, lines 1-3: “For example, the display produces an arrow pointing in upward and downward direction, with either only the up or the down arrow being indicated or flashing when the user is required to move his wrist, with the blood pressure measuring device attached thereto, in upward or downward direction to</p>

New Claims 43-49	Examples from the Specification
	reach the proper position for measurement. Another user prompt in the form of a red light for a poor measurement position and/or a green light for a correct measurement position ...”
48. The wrist sphygmomanometer of claim 46, wherein the display indicates that the user has reached the appropriate measuring level by providing an acoustic signal.	P. 13, lines 3-6: “... or, alternatively, an audible warning signal produced in the presence of a poor measurement position may also be contemplated as an alternative.”
49. The wrist sphygmomanometer of claim 44, wherein a blood pressure measurement is automatically taken when the positioning system determines that the sphygmomanometer is at the appropriate measuring level.	P. 12, lines 1-15: “Once the user has occupied the <u>proper</u> position, the inclination sensor 5 first operates to determine the angle of inclination α of the blood pressure measuring device. The timing element 6 passes the signal of the inclination sensor 5 on to the amplifier and analog-to-digital converter 3 for evaluation by the evaluating unit 4. In a subsequent process step the correction factor is determined by which the actual measured blood pressure then needs to be corrected. In a further process step the blood pressure prevailing in the wrist is then determined. To this end, the timing element 6 passes the signal of the pressure sensor 2 on to the evaluating unit. Subsequently, the actual detected blood pressure is corrected by the previously determined correction value. The corrected blood pressure measurement result is then indicated on the display of the blood pressure measuring device.”